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chine or agency as to make a father liable for injuries caused by it while being operated by his daughter, on the theory that the father was himself negligent in permitting the child to use a dangerous instrumentality.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 635; 16 Va.-W. Va. Enc. Dig. 170.]

2. Master and Servant (§ 301 (1)*)—Parent and Child (§ 13 (1))—Parent's Liability for Torts of Child—Injuries from Automobile.—The liability of a father for injuries caused by an automobile owned by him, while being operated by his daughter, cannot be based on the mere relationship of parent and child, but must be based on the relation of master and servant; and a daughter is not using an automobile in her father's business, so as to create the relation of master and servant, merely because the automobile was purchased for the use and pleasure of the family, and is being used by her for the precise purpose for which it was purchased.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 727; 10 Va.-W. Va. Enc. Dig. 635.]

Error to Circuit Court, Scott County.

Action by C. C. Blair against C. C. Broadwater. Judgment for defendant, and plaintiff brings error. Affirmed.

W. S. Cox and *J. P. Corns*, both of Gate City, for plaintiff in error.

Coleman & Carter, of Gate City, for defendant in error.

HANCKEL et al. v. HOLCOMBE et al.

Sept. 20, 1917.

[93 S. E. 634.]

1. Wills (§ 476*)—Construction of Will and Codicils.—Every part of a will, including codicils, must be construed together in cases of doubt, in order to ascertain the testator's meaning.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 781.]

2. Wills (§ 502*)—Construction—Description of Legatees—Relatives.—A codicil increasing "bequests," to relatives, construed with other codicils, held not to include testatrix's sister or the sister's children, who were residuary legatees; the later codicils manifesting testatrix's purpose to distribute surplus proceeds of the sale of her home to those to whom she had previously given specific legacies.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 805 et seq.]

3. Wills (§ 456*)—Construction—Language of Instrument.—Where a

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

testator has clearly indicated the meaning which he attaches to a particular word, such meaning must prevail, irrespective of technical or grammatical meaning of such word.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 794 et seq.]

Appeal from Circuit Court, Roanoke County.

Bill by Edward W. Robertson, administrator, against Letitia L. Holcombe and others. Decree for plaintiff, and certain defendants appeal. Affirmed.

Nathaniel T. Green, of Norfolk, and *Hall & Apperson*, of Roanoke, for appellants.

L. H. Cocke and *A. P. Staples*, both of Roanoke, *S. S. Lambeth, Jr.*, of Bedford City, and *R. E. Scott*, of Richmond, for appellees.

FRALEY *v.* NICKELS.

Sept. 20, 1917.

[93 S. E. 636.]

1. Boundaries (§ 46 (5*))—Arbitration—Agreement of Parties.—Under a submission of a boundary dispute to arbitration, providing that the arbitrators should hear such legal evidence as might be introduced and make their award, an award did not fail to conform to the submission, because it located the boundary line according to an agreement of the parties, instead of upon more formal evidence.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 594.]

2. Arbitration and Award (§ 80*)—Liberal Construction of Award.—Awards are to be liberally construed, to the end that they may be upheld, if possible.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 705.]

3. Arbitration and Award (§ 39*)—Appointment of Third Arbitrator—Powers.—Under a submission to arbitration, naming two arbitrators and providing that they should select a third arbitrator, and hear such evidence as either party might introduce, the third arbitrator was not to act as umpire, but as one of a board of three.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 698.]

4. Arbitration and Award (§ 35*)—Concurrence of Arbitrators in Decision and Award.—Under a submission to arbitration, naming two arbitrators and requiring them to appoint a third, but neither expressly nor impliedly conferring authority upon a majority to act, an award was void where only two of the arbitrators participated in the consideration and decision of the question, as Code 1904, § 5,

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.